

Rule 11. Notice of Noncompliance

A. Notice Required. The Director shall send a notice of noncompliance to any lawyer who:

(1) Fails to meet the requirements of these Rules; and

(2) Fails to request and obtain an extension of time in which to file an Affidavit of CLE Compliance as required by these Rules.

B. Service of Notice. The notice shall be sent by regular mail to the lawyer's address of record with the Lawyer Registration Office.

C. Contents of Notice. The notice shall state the nature of the noncompliance and shall inform the lawyer of the right to request a hearing within 30 days of the mailing of the notice, the right to be represented by counsel, and the right to present witnesses and evidence.

D. Effect of Notice. If no hearing is requested, the Director's determination of noncompliance shall become final and shall be reported to the Court with the recommendation that the lawyer be placed on involuntary restricted status.

E. Board Hearing. If a hearing is requested, the following apply:

(1) The Board may employ special counsel;

(2) The Chairperson shall preside at the hearing, which may be held before the entire Board or a committee appointed by the Chairperson, and shall make necessary rulings; and

(3) The hearing shall be recorded and a transcript shall be provided to the lawyer at a reasonable cost.

F. Decision. Following the hearing, the Board shall issue a written decision. If the lawyer is determined to be in noncompliance with these Rules, the Board may recommend to the Court that the lawyer be placed on involuntary restricted status or take other appropriate action.

G. Petition for Review. A lawyer who is adversely affected by the decision of the Board may appeal to the Court by filing a petition for review with the Clerk of Appellate Courts within 20 days of receipt by the lawyer of the decision together with proof of service of the petition on the Director. The petition shall state briefly the facts that form the basis for the petition and the lawyer's reasons for believing the Court should review the decision. Within 20 days of service of the petition, the Board shall serve and file a response to the petition and a copy of the final decision of the Board. Thereupon, the Court shall give such direction, hold such hearings and issue such orders as it may in its discretion deem appropriate.

(Amended effective February 1, 2004; amended effective February 1, 2010.)